

a flexible sail connected at its top end to the mast and at its bottom end to the boom.

A clean version of the entire set of claims accompanies this Amendment A, as provided by 37 C.F.R. 1.121(c)(3).

### **REMARKS**

This Amendment responds to the Office Action mailed 14 January 2002.

In the Office Action mailed January 14, 2002, Examiner Pedro J. Cuevas rejected Claims 1-14 under the second paragraph of 35 U.S.C. §112 for failing to particularly point out and claim the subject matter regarded as the invention. The claims, although now different in quantity and sequence from the originally submitted claims, have been redrafted to avoid the indefiniteness. More specifically, the claims now provide sufficient antecedent basis.

The Examiner helpfully indicated that Claim 5 would be allowed if it were placed in conformity to 35 U.S.C. §112. Applicant has redrafted the language of Claim 5 so that it is now in conformity to 35 U.S.C. §112. The subject matter of Claim 5 has now been incorporated into Claim 1. Claim 1 is therefore believed to be allowable.

The Examiner has rejected claims 1, 6, 7, 11 and 12 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 3,936,652 to Levine in view of U.S. Patent No. 5,784,978 to Saiz. Claims 7 and 11 are cancelled, and the subject matter of Claims 6 and 12 is now presented in Claims 21 and 23. In Saiz, the sails absorb the energy of the wind and, in doing so, act as radial vanes, causing the rotation of the bottom part of the vertical shaft taught by Saiz (col 1, lines 7-8; col 2, lines 11-12, 52).

Applicant's sails, however, are not meant to absorb the energy of the wind, but rather to deflect it into one of the plurality of inlet tubes claimed by Applicant. As the sails employed by Saiz and those employed by Applicant perform vastly different functions, Applicant therefore submits that these claims are not rendered obvious by Levine in view of Saiz. Additionally, both Claims 21 and 23 depend ultimately from now-allowable Claim 1, and are therefore believed allowable.

The Examiner also rejects Claims 6 and 7 under 35 U.S.C. §102 as being anticipated by Saiz. Claim 7 is cancelled, and the subject matter of Claim 6 is recast in Claim 21. The Examiner's assertion that Saiz teaches the construction of an emergency collector loop is respectfully traversed. Saiz nowhere discloses or suggests an emergency collector loop as claimed. Additionally, Claims 21 depends ultimately from Claim 1, and is therefore believed allowable.

The Examiner also rejects Claim 12 as being anticipated by Levine. The subject matter of Claim 12 has been recast in Claim 23. Claim 23 depends from Claim 1, and is therefore believed allowable.

The Examiner also rejects Claims 2-4 under 35 U.S.C. §103(a) as being unpatentable over Levine in view of Saiz, further in view of U.S. Patent No. 5,134,952 to Doolittle. The subject matter in these Claims are now presented in Claims 17-19 and Claims 26-28. The Examiner's assertion that Levine, in view of Saiz and Doolittle, teaches a weighted, counter-balanced tensioning mechanism is respectfully traversed. Furthermore, Claims 17-19 and Claims 26-28 ultimately depend from Claim 1, and are therefore believed allowable.

The Examiner also rejects Claim 10 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over Levine in view of Saiz, further in view of common knowledge of the prior art. The subject matter in Claim 10 has been recast in Claim 22. Claim 22 depends ultimately from Claim 1, and is therefore believed allowable.

The Examiner also rejects Claim 13 as unpatentable under 35 U.S.C. §103(a) as being unpatentable over Levine in view of Saiz, further in view of German Patent No. DE004234649A1 to Hartmann. The subject matter in Claim 13 has been recast in Claims 16 and 25. As both Claims 16 and 25 depend ultimately from Claim 1, Claims 16 and 25 are believed allowable.

Applicant submits that his invention is patentably distinguishable over the cited references and that all the claims are presented in conformance with 35 U.S.C. §112. Allowance of all claims is respectfully solicited.

Respectfully submitted,

 (Reg. #26,494)

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